

MEMORANDUM OF COOPERATION
BETWEEN
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (U.S. EPA)
THE MINISTRY OF ENVIRONMENT AND NATURAL RESOURCES
(SEMARNAT)
THE CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY (Cal/EPA)
AND
THE STATE OF BAJA CALIFORNIA (STATE)
ON AMBIENT AIR QUALITY MONITORING

- I. **WHEREAS** the Governments of the United States of America and the United Mexican States signed the Agreement on Cooperation for the Protection and Improvement of the Environment in the Border Area (also known as the La Paz Agreement) on August 14, 1983 in La Paz, Baja California, two annexes of which specifically address transboundary air pollution;
- II. **WHEREAS** Annex V of the La Paz Agreement, signed on October 3, 1989 at Washington D.C., bears special importance since it was designed to address issues related to international transport of urban air pollution, and thus highlights the responsibility of both sides to conduct air monitoring in the border zone;
- III. **WHEREAS** as a result of the La Paz Agreement, specific workgroups were established to address the border region's environmental problems, among them the Air Quality Workgroup, which developed several projects to assess the air quality in the region;
- IV. **WHEREAS** in view of the commitment of the United States and Mexico to work cooperatively toward sustainable development through protection of human health and the environment and proper management of natural resources in both countries, the Border XXI Program was implemented in 1996-2000, organized around five distinct geographic regions, among them California-Baja California, in recognition of the diversity of the border area;
- V. **WHEREAS** the U.S. EPA and the SEMARNAT in partnership with the U.S. Department of Health and Human Services, the Mexican Secretariat of Health (Secretaria de Salud) and other federal agencies, and in

recognition of the active participation of the ten border states and U.S. tribal governments, have developed the Border 2012 program to protect the environment and the public health in the U.S.-Mexico border region, which includes among its goals to "Reduce Air Pollution";

- VI. **WHEREAS** Cal/EPA in cooperation with U.S. EPA, and SEMARNAT, has established and operated a network of air monitoring stations in the cities of Tijuana, Playas de Rosarito, Tecate and Mexicali to measure oxides of nitrogen, ozone, carbon monoxide, sulfur dioxide, particulate matter, lead, toxic substances, and meteorological parameters;
- VII. **WHEREAS** the U.S. EPA and SEMARNAT desire to establish with the cooperation of Cal/EPA and the State (the Participants), a voluntary memorandum for the cooperative administration and the transfer to Mexican authorities of the above-mentioned air monitoring program in the cities of Tijuana, Playas de Rosarito, Tecate and Mexicali;
- VIII. **WHEREAS** the successful implementation of activities under such a memorandum is expected to enhance the availability of air quality data to United States and Mexican authorities to better understand the causes and severity of air pollution in the border region, to develop effective air pollution reduction programs, and to measure progress towards attainment of the air quality standards;
- IX. **THEREFORE** the Participants hereby set forth the following elements of such a Memorandum:

SECTION I OBJECTIVE

The objective of this Memorandum is to record procedures for the transfer of air quality monitoring responsibilities in the municipalities of Tijuana, Playas de Rosarito, Tecate and Mexicali to Mexican authorities, to support the continued operation of the network, and to facilitate the exchange of information related to air quality in the region between Mexico and the United States. The transfer is expected to take place over a two-year transition period, to commence when this Memorandum of Cooperation is signed by the Participants, and during which Mexican authorities are expected to gradually assume responsibility for routine network operation, data validation and data processing.

Preferably within three months of the signing this Memorandum, the Participants intend to establish a working group, comprised of at least one representative from each Participant to develop an action plan. The work group should adhere to a work plan that is expected to be developed as Annex I to this Memorandum.

SECTION II
ROLES AND DIVISION OF LABOR

A. SECRETARÍA DE MEDIO AMBIENTE Y RECURSOS NATURALES

SEMARNAT intends to:

1. Coordinate with local, state and federal authorities in Mexico to secure agreements allowing the continued operation of the monitoring stations at their current locations. Decisions regarding eventual relocations of the current stations should be made jointly with the **STATE**, in consultation with **U.S. EPA** and **Cal/EPA**;
2. Coordinate and administer the activities outlined in this Memorandum for Cooperation, and **SEMARNAT** is expected to function as the primary point of contact in Mexico for all activities and matters arising out of this Memorandum;
3. Incorporate the historical database and air monitoring data being generated into Mexico's National Air Quality Information System (Sistema Nacional de Información de la Calidad del Aire, hereafter **SINAICA**);
4. Work with **U.S. EPA**, the **STATE**, **Cal/EPA**, and the local authorities to develop a plan to accomplish the transfer of responsibility;
5. Work with the **STATE**, and during the transition period with **U.S. EPA** and **Cal/EPA**, to establish validation procedures for the data generated by the monitoring networks;
6. Provide technical support for station maintenance, instrument calibrations, laboratory analyses, quality assurance, and data management even after the State or municipal authorities assume the responsibility for operating the monitoring stations;
7. Work with the **STATE**, and during the transition period with **U.S. EPA** and **Cal/EPA**, to identify necessary sources of funding to support the action plan envisioned in this Memorandum, and
8. Upon transfer of the operational responsibility for the monitoring stations to Mexican authorities, in coordination with the **STATE**, continue to share with **U.S. EPA** and **Cal/EPA** all the air quality data collected at the monitoring stations, and continue to promote programs and projects to reduce air pollution in the region.

B. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (U.S. EPA)

U.S. EPA intends to:

1. Coordinate with SEMARNAT and the STATE to secure agreements allowing the continued operation of the monitoring stations at their current locations, during the transition period;
2. Work with SEMARNAT, the STATE, Cal/EPA, and the local authorities to develop a plan to accomplish the transfer of responsibility;
3. Work with SEMARNAT, the STATE, and Cal/EPA to establish validation procedures for air quality data collected by the monitoring network, and
4. Work with SEMARNAT and the STATE to identify and obtain the necessary funding to support the action plan envisioned in this Memorandum.

C. The STATE OF BAJA CALIFORNIA (the STATE)

The STATE intends to:

1. Develop a funding plan during the transition period and undertake full implementation upon transfer of the monitoring stations;
2. Work with U.S. EPA, SEMARNAT, Cal/EPA, and the local authorities to develop a plan to accomplish the transfer of responsibility;
3. Update and process the air quality monitoring data in order to upload it to SINAICA as the communications and data transfer infrastructure becomes available;
4. Work with SEMARNAT, U.S. EPA and Cal/EPA to establish validation procedures for air quality data that meet SINAICA and U.S. EPA requirements;
5. Work with SEMARNAT, and during the transition period with U.S. EPA and Cal/EPA, to provide training to personnel responsible for operation of the monitoring network;
6. Provide air quality information obtained from the monitoring stations to the public as the communications and data transfer infrastructure becomes available;
7. Share with SEMARNAT, U.S. EPA and Cal/EPA the air quality monitoring data collected at the stations, after transfer of the monitoring stations;

8. Assume total responsibility for operation of the monitoring stations and data processing upon transfer, and
9. Work with SEMARNAT, and during the transition period with U.S. EPA and Cal/EPA, to maintain the monitoring stations, and to identify and obtain the necessary funding to support the action plan envisioned in this Memorandum.

D. CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY (Cal/EPA)

Cal/EPA intends to:

1. Designate the Air Resources Board (ARB), to act as a liaison with the Participants, to coordinate and administer the activities outlined in this Memorandum for Cooperation, and to function as the primary point of contact in the United States for all activities and matters arising out of this Memorandum. Whenever Cal/EPA is referenced in this Memorandum of Cooperation, it is Cal/EPA's intent that the ARB shall act in its place and stead;

It is the intent of Cal/EPA that the ARB:

2. Operate and maintain a network of air monitoring stations in Tijuana, Playas de Rosarito, Mexicali and Tecate, during the transition period, contingent on the availability of funds through U.S. EPA;
3. Work with U.S. EPA, SEMARNAT, the STATE, and local authorities to develop a plan to accomplish the transfer of responsibility;
4. Provide training on the routine operation of the monitoring network, instrument calibration, quality assurance and data management to personnel designated by SEMARNAT for the purpose of transferring operational responsibility of the air monitoring stations to Mexican authorities. Training is expected to continue until Mexican authorities have the capability to assume full operational responsibility or until the two-year transfer plan has ended, whichever is sooner;
5. Provide manuals for monitoring station operation and air quality data management and validation;
6. Provide technical support to SEMARNAT and the STATE in the validation of air quality data during the transition period;
7. Provide SEMARNAT with the historical data base and data from special monitoring studies;

8. Work with the appropriate agencies in California to facilitate the transfer of the air monitoring stations located in the municipalities of Tijuana, Playas de Rosarito, Mexicali, and Tecate, including all monitoring instruments and associated equipment, to Mexican authorities. The transfer of ownership is expected to take place once the STATE demonstrates the capability to continue the operation of the network and with the concurrence of all Participants;
9. Upload the air quality data to U.S. EPA's Air Quality System (AQS) database, upon transfer of the network, and
- 10.Upon completion of the transfer, to provide laboratory analyses, quality assurance audits, and other analytical services, by establishing specific contracts or agreements with SEMARNAT and or U.S. EPA, subject to funding availability.

SECTION III DURATION

Any Participant may withdraw from participation in activities described in this Memorandum at any time; a Participant should provide 45 calendar days' written notice to the other Participants of its intention to withdraw. The Participants understand that, in the event of a withdrawal, Cal/EPA may propose arrangements for the return of monitoring equipment to an appropriate California State agency or agencies.

SECTION IV GOOD FAITH

The Participants are determined to assume good faith as a general principle for the implementation of a coordinated air quality monitoring program for the California-Mexico border region. The Participants should notify one another if any problems arise and work together to foster maximum confidence in the program.

SECTION V IMPLEMENTATION OF THIS MEMORANDUM

The activities under this Memorandum are subject to the availability of appropriated funds and personnel.

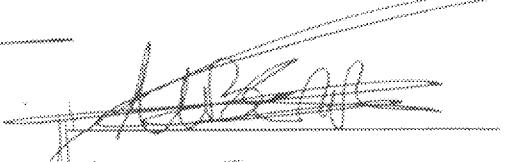
Signed in the city of Tijuana, on June twenty fourth of two thousand and four, in four originals in Spanish and English.

FOR THE UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY:

FOR THE MINISTRY OF
ENVIRONMENT AND NATURAL
RESOURCES:



Michael O. Leavitt
Administrator



Alberto Cárdenas Jiménez
Secretary

FOR THE CALIFORNIA
ENVIRONMENTAL PROTECTION
AGENCY:



Terry Tamminen
Secretary

FOR THE STATE OF BAJA
CALIFORNIA:



Eugenio Elorduy Walther
Constitutional Governor